

Docket No.: 078700.110101
Application No.: 09/823,506

REMARKS

Claims 20, 38-63 remain in this applications. Claims 1-19 and 21-37 were canceled. Claim 20 was amended and claims 38-63 were added. Reconsideration in light of the remarks and amendments made herein is respectfully requested.

The Office Action rejected claims 20-29 and 31-37, under 35 U.S.C. §103(a) as being unpatentable over *Moengen* (U.S. Pat. Appl. No. 6,373,508).

Applicant respectfully traverses.

Independent Claim 20

Independent claim 20 recites “a first detector coupled to the network and selected by the processor for observing the object automatically when such object is determined by the processor to be located within a first observation range of the selected first detector, such first detector being configured to automatically hand-off the observation to a second detector in a neighboring site for observing the object movement when such observation is triggered or activated by such object movement.”

Moengen is directed to a method for manipulating a movable object displayed in a television picture (abstract). *Moengen* teaches that “[i]n the production unit P there are displayed the natural television pictures recorded at any time, or possibly synthetically generated television pictures with a synthetic object S and the recorded television pictures with the synthetic object overlaid in the correct position, thus enabling the producer to select the camera and the picture which is desired to be represented at any time during a television broadcast and transmit the pictures via a standard TV line to the television transmitter” (col. 7, lines 59-67).

Moengen fails to disclose, teach or suggest a “first detector being configured to automatically hand-off the observation to a second detector.” Rather, the producer manually selects the camera and picture desired to display for broadcasting. Hence, *Moengen* fails to disclose, teach or suggest all the claim limitations to establish a prima facie case of obviousness. See *MPEP* §§ 2142-43.

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Claims 38-63

Independent claims 38, 47 and 56 and their dependent claims are patentably distinct for the same reasons advanced with respect to claim 20.

The Office Action rejected claims 20-29 and 31-37, under 35 U.S.C. §103(a) as being unpatentable over *Moengen* (U.S. Pat. No. 6,373,508) in view of *Horton et al.* (U.S. Pat. No. 5,615,123).

Applicant respectfully traverses.

It should be noted that the burden of establishing a *prima facie* case of obviousness lies with the Patent Office. *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) (stating: "The PTO has the burden under section 103 to establish a prima facie case of obviousness"). To establish a prima facie case of obviousness, (1) there must be some suggestion or motivation (either in the references themselves or in the knowledge generally available to one of ordinary skill in the art) to combine the reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference must teach or suggest all the claim limitations. See *MPEP* §§ 2142-43.

We have already demonstrated the inadequacies of teaching the present invention in *Moengen* and under 35 U.S.C. § 103, it would be incumbent upon the teaching of *Horton* to provide a teaching reference for supplementing the deficiencies of *Moengen*.

Applicant respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Applicant notes that the scope of the claims and ownership have changed (large entity) since the petition to make special was granted on August 4, 2003, so as to possibly obviate the "special" status of the application. However, Applicant notes that applications pending for 5 years are considered "special" by the Patent and Trademark Office. See *MPEP* 707.02 and 708.01(I). Since the present application was filed in March 28, 2001, it has "special" status regardless of the subject matter of the pending claims and the ownership status of the application.

In light of the above amendment and remarks, applicant respectfully submits that all the claims remaining in the application are allowed or allowable, and respectfully requests that the

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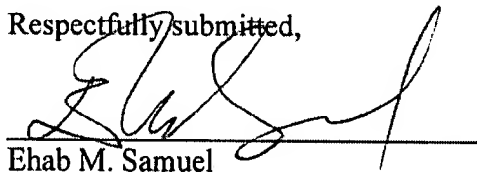
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application be passed to issue. Should any residual matters left to be resolved, the Examiner is invited to contact the undersigned agent at 714.708.6682 (office) at his convenience.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, now or in the future, or credit any overpayment to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 078700-110101 is referred to when charging any payments or credits for this case.

Date: August 21, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Samuel', is written over a horizontal line.

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